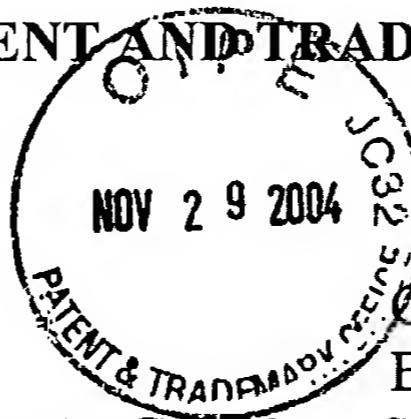


PATENT

Attorney Docket No. **KNAUTHE-08178**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jurgen Hescheler
Serial No.: 10/084,960
Filed: 02/28/2002
Entitled:



Group No.: 1632
Examiner: J. T. Woitach

Fluorescent Proteins As Cell Type Specific Reporters

DECLARATION OF J. MITCHELL JONES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.

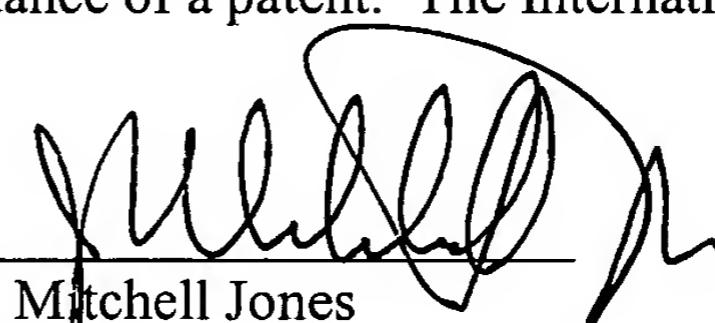
Date: 11-24-04

By: M. Clark

Mary Ellen Waite

I, John Mitchell Jones, hereby verify that the plasmid pCX-(alpha-actin)GFP-Neo has been deposited under the Budapest Treaty and that the plasmid will be irrevocably and without restriction released to the public upon issuance of a patent. The International Form confirming the deposit is attached hereto.

Dated: 11-24-04



J. Mitchell Jones
Registration No. 44,174

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608.218.6900

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM



Institut für Neurophysiologie
der Universität zu Köln
Robert-Koch-Str. 39

50931 Köln

deposited by:
Prof. Dr. Jürgen Hescheler

DSMZ - Deutsche Sammlung von Mikroorganismen
und Zellkulturen GmbH
Mascheroder Weg 1b, D-38124 Braunschweig/Germany
Tel: 0531/26180 • Fax: 0531/2618416

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

30.07.97

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

pCX-(α -act) GFP-NeoAccession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

DSM 11633

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

- a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1997-06-27
(Date of the original deposit)¹.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit)
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request
for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbHAddress: Mascheroder Weg 1b
D-38124 BraunschweigSignature(s) of person(s) having the power to represent the
International Depositary Authority or of authorized official(s):*J. Weis*

Date: 1997-06-30

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.